

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 19, 2002 LR 6

engage in legal and political relationships with the federal government and its subdivisions. In addition to that, we have a long history of treaties and agreements and codicils that have recognized and allowed the Indian tribes to retain their sovereignty. In 1987, a very important court case, California v. Cabazon, the Supreme Court upheld the right of tribes, as sovereign nations, to conduct gaming on Indian lands free of state control. Now that's...that's an important, significant milestone in this whole gaming history because gaming had been going on up until that time on Indian reservations and the state of California challenged it saying they thought they could regulate. The court said, no, only the federal government can regulate. About the same time, in 1988, a bill was going through the House and the Senate and it was the national Indian Gaming Regulatory Act, or IGRA, and when people learned of the court decision in California they came...the states now I'm talking about, the states came to Congress and said, we'd like to be written into the bill; we would like the ability to have some say over gaming in our states. And it was written into the bill. In 1993, Nebraska then passed legislation which granted the Indian tribes the right to request a negotiated compact for the purposes of Class III gaming. The Santee Sioux requested that the state compact with them in 1993. Then Governor Nelson and his legal advisors decided that it would not be permissible; that what we needed to do was to have a constitutional amendment to amend and make exception to the gaming provisions in our constitution before we could legally compact. In 1996, as you may or may not know, the Santee Tribe opened the Ohiya Casino in...on the Santee Reservation and filed suit against the state in Federal District Court alleging the state's failure to negotiate in good faith. There is another case in here that...that I didn't put on the time line and it comes later and it's, I think, Florida v. the Seminole, and it basically said that the tribes don't have the right to sue a state. So here what you have is a federal law that permits gaming on reservations and allows the states to compact and, yet, if a state does not willingly compact, the tribes have little or no recourse, although they can go to the Secretary of the Interior, but that is not a very surefire method. In the year 2000, we introduced LR 289CA, which is basically the same as the issue before you today. It did not advance from